

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

ERIC WARE-MUSTAPHA

Petitioner,

v.

**DIRECTOR OF THE BUREAU OF
OF PRISONS, WARDEN, K. ZOOKY,**

Respondent.

Case No. 23-CV-143-RAW-GLJ

OPINION AND ORDER

On May 1, 2023, Petitioner Eric Ware-Mustapha, a pro se federal prisoner who is incarcerated at the Federal Transfer Center in Oklahoma City, Oklahoma, filed this petition for a writ of habeas corpus pursuant to 28 U.S.C. 2241 (Dkt. 1). He alleges that “[a]t all times relevant to this action, [he] resided at the Federal Transent [sic] Center Oklahoma in Oklahoma City, Oklahoma.” *Id.* at 1. Petitioner asserts he is challenging the execution of his sentence, not the validity of his sentence. *Id.* He is complaining that he was mistakenly transferred to Oklahoma City too early, and he was told that he would not receive his First Step Act credits while at the Transfer Center. *Id.* at 3.

A § 2241 petition attacks the execution of a sentence and must be filed in the district where the petitioner is confined. *McIntosh v. U.S. Parole Comm’n*, 115 F.3d 809, 811 (10th Cir. 1997); *Bradshaw v. Story*, 86 F.3d 164, 166 (10th Cir. 1996). Plaintiff presently is incarcerated in the Western District of Oklahoma, and he has alleged no facts concerning the Eastern District of Oklahoma. After careful review, the Court finds proper venue does not lie in this district, and the case should be transferred to the Western District of Oklahoma.

THEREFORE, this action is transferred in the interest of justice to the United States District

Court for the Western District of Oklahoma. *See* 28 U.S.C. § 1406(a).

IT IS SO ORDERED this 2nd day of May 2023.

A handwritten signature in black ink, reading "Ronald A. White". The signature is written in a cursive, flowing style.

HONORABLE RONALD A. WHITE
UNITED STATES DISTRICT JUDGE
EASTERN DISTRICT OF OKLAHOMA